REMARKS

The present submission is provided in response to a Final Office Action mailed on July 1, 2005, in which claims 21-36 are currently pending. In the instant action, the Examiner has objected to the drawings. Additionally, claims 21-36 have been rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Further, claims 21, 22, 24-30, and 32-36 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 6,892,354 issued to Servan-Schreiber et al. (hereinafter "Servan-Schreiber") in view of U.S. Patent No. 6,192,414 issued to Horn. In addition, claims 23 and 31 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Servan-Schreiber and Horn as applied to claims 21 and 29, and further in view of U.S. Patent No. 6,674,713 issued to Berg et al. (hereinafter "Berg"). The Applicants traverse the outstanding rejections for at least the reasons presented herein.

Objections to the Drawings under 37 C.F.R. 1.83(a)

The drawings have been objected to by the Examiner for allegedly failing to show every feature of the invention specified in the claims. Specifically, the Examiner asserts that the claimed feature "time consuming" provided in claims 21 and 29 is not shown in the drawings. The Applicants submit that the term "time consuming" is an intangible descriptor for web-based searches that consume a period of time and, as such, does not lend itself to physical or graphical rendering. Notwithstanding, it is believed that the feature "time consuming" is inherently shown and described in the context of Figure 2, for example, within the arrows located between steps 202 and 203, and also between steps 203, 205, and 206, the corresponding description in paragraph [0017] stating "[S]erver 103 sends a static web page data at step 202 and then checks ***to see if the data is ready*** for transmission to client 101 at step 203. If so, server 103 sends the data at step 204; otherwise, a null message byte stream (BS) is sent followed by ***a waiting period*** at step 205. A static web page may include any response data indicating that server 103 is processing the search request (e.g., **"please wait"**, **"search in progress"**, **"searching"**). If an error response is returned indicating that client

101 is not present (206), the query is aborted at step 207." Similar features are also shown in Figures 3 and 4. If the data is not ready for transmission (i.e., the subject of the search query is 'taking time' or is otherwise 'time consuming'), the server 103 sends a byte stream followed by a waiting period. Thus, support for the term "time consuming" in the context of the searches recited in claims 21 and 29 may be found throughout the specification and the Figures. Accordingly, the Applicant respectfully submits that the term "time consuming" is inherently shown in the Figures and described throughout the specification and, therefore, claims 21 and 29 are in compliance with 37 CFR 1.83(a).

Objections under 35 U.S.C. 112, first paragraph

The Examiner has rejected claims 21-36 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement, and in particular, claims 21 and 29 allegedly contain subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time the application was filed.

Specifically, the Examiner states that the features "an error response is returned" and "sensing that one of the searches will be time consuming" in claims 21 and 29 are not found in the specification.

The feature "an error response is returned" is sufficiently described in the detailed description including, for example, in paragraph [0017] which states "an error response is returned indicating that client 101 is not present (206)...". Thus, the Applicants submit that this feature is properly described and satisfies the requirements set forth in 35 U.S.C. 112, first paragraph.

The Applicants have amended claims 21 and 29 in order to address the Examiner's rejections with respect to the feature "sensing that one of the searches will be time consuming". Specifically, claims 21 and 29 have been amended to remove the term "sensing". Claims 21 and 29 as amended, recite "***if*** one of the searches ***becomes*** time consuming, determining a continued presence of the web client associated with the time-consuming search". The Applicants submit that claims 21 and 29, which recite this feature,

are fully compliant with 35 U.S.C. 112, first paragraph. The Applicants respectfully request entry of the amendment to claims 21 and 29, as it raises no new matter and is submitted to address the rejections raised by the Examiner in the instant action.

Claims 22-28 and 30-36 depend from what should be allowable claims 21 and 29, respectively. The Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

Rejections under 35 U.S.C. 103(a)

Claims 21, 22, 24-30, and 32-36 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Servan-Schreiber in view of Horn. The Applicants respectfully traverse the outstanding rejections of claims 21, 22, 24-30, and 32-36 at least for the reasons presented herein.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Servan-Schreiber is directed to a method of providing advertising to a computer user during web session activity. The method of Servan-Schreiber teaches that the advertising, or content, is downloaded from a remote site to the user's computer during periods when the computer is idle and is then ***delivered from the computer's storage*** to the user's screen when the user is waiting for information requested via the web activity (see, for example, col. 2, lines 49-65). By contrast, the Applicants' claims, as recited, are directed to a method for ***detecting a continued presence of a web client.*** As recited, the claims teach that the byte stream (correlated to the advertising content of Servan-Schreiber) is transmitted to the web client (user's computer) from a server via which a web search is being conducted. Thus, the byte stream recited in claims 21 and 29 is not resident on the web client.

Moreover, Servan-Schreiber is further distinguished from the Applicants claims 21 and 29, as Servan-Schreiber does not teach receiving error messages in response to the transmission of the byte streams. Horn is directed to a communications network that provides backup or redundancy capability through multiple network connections for ensuring system reliability. Horn is not even remotely related to the claimed features recited in Applicants' claims 21 and 29. Thus, Horn does not cure the deficiencies of Servan-Schreiber. Accordingly, the Applicants submit that claims 21 and 29 are patentable over Servan-Schreiber in view of Horn and respectfully request reconsideration and withdrawal of the outstanding rejections. Claims 22 and 24-28 depend from what should be an allowable claim 21. For at least this reason, the Applicants submit that claims 22 and 24-28 are in condition for allowance. Claims 30 and 32-36 depend from what should be an allowable claim 29. For at least this reason, the Applicants submit that claims 30 and 32-36 are in condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 23 and 31 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Servan-Schreiber and Horn as applied to claims 21 and 29, and further in view of Berg. Claim 23 depends from what should be an allowable claim 21 and claim 31 depends from what should be an allowable claim 29. For at least these reasons, the Applicants submit that claims 23 and 31 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 09-0463 maintained by Applicants' attorneys.

Respectfully Submitted,

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